

87th Legislative Session – 2012

Committee: House Education

Monday, February 27, 2012

P - Present
E - Excused
A - Absent

Roll Call

E Elliott
P Haggard
P Hunt
P Jones
P Killer
P Lucas
P Miller
P Perry
P Schaefer
E Stricherz
P Tulson
P Vanneman
P Venner
P Sly, Vice-Chair
P Brunner, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Brunner, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 24, 2012.

Moved by: Hunt
Second by: Venner
Action: Prevailed by voice vote.

SB 80: exempt veterans from the twelve-month residency requirement for the purposes of tuition and fees.

Proponents: Senator Mark Johnston

Janelle Toman, SD Board of Regents

Jack Warner, SD Board of Regents, answered questions of committee members.

Opponents: None

MOTION: DO PASS SB 80

Moved by: Venner

Second by: Schaefer

Action: Prevailed by roll call vote. (13-0-2-0)

Voting Yes: Haggar, Hunt, Jones, Killer, Lucas, Miller, Perry, Schaefer, Tulson, Vanneman, Venner, Sly, Brunner

Excused: Elliott, Stricherz

MOTION: PLACE SB 80 ON CONSENT CALENDAR

Moved by: Perry

Second by: Miller

Action: Failed by voice vote.

SB 130: require the school board of each school district to adopt a policy prohibiting bullying.

Proponents: Representative Jacqueline Sly
Dick Tieszen, Sioux Falls School District and
Rapid City School District
Wade Pogany, Associated School Boards of SD
Marty Jackley, Office of the Attorney General
Sandra Waltman, SD Education Association
John Pedersen, School Administrator of South Dakota

Opponents: None

MOTION: AMEND SB 130

130cf

On page 1, line 8, of the Senate Education Committee engrossed bill, delete "the causing of" and insert "a pattern of repeated conduct that causes".

On page 1, line 9, delete "involve threat" and insert "include threats".

On page 1, line 13, after ";" insert "and either".

On page 2, line 16, delete everything after "action" and insert "taken by a school district for conduct determined to meet the definition of bullying in section 2 of this Act.".

On page 2, delete line 17.

Moved by: Perry
Second by: Sly
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 130

130cg

On the Senate Education Committee engrossed bill, delete everything after the enacting clause and insert:

" Section 1. If a school district does not have a bullying policy, the school district shall follow the model bullying policy in section 6 of this Act until such time as the school district adopts its own bullying policy. Nothing in this Act supplants or preempts an existing school district policy.

Section 2. Bullying is a pattern of repeated conduct that causes physical hurt or psychological distress on one or more students that may include threats, intimidation, stalking as defined in chapter 22-19A, physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:

- (1) Places a student in reasonable fear of harm to his or her person or damage to his or her property; and either
- (2) Substantially interferes with a student's educational performance; or
- (3) Substantially disrupts the orderly operation of a school.

For the purposes of this Act, bullying also includes retaliation against a student for asserting or alleging an act of bullying.

Section 3. Each school district policy developed pursuant to this Act may contain the following provisions:

- (1) A statement prohibiting bullying and a definition of bullying that includes the definition listed in section 2 of this Act;
- (2) A description of the type of behavior expected from each student of the school district, and the consequences for a student of the school district who commits an act of bullying;
- (3) A procedure for reporting an act of bullying, including provisions that permit a person to anonymously report such an act, although formal disciplinary action may not be based solely on an anonymous report;
- (4) A procedure for the prompt investigation and response to any report of bullying, including a requirement that an investigation be conducted on any alleged incident of bullying committed against a child while the child is aboard a school bus, at a school bus stop, or at a school-sponsored event; and
- (5) A statement that all students are protected with no mention of any protected classes of students.

Section 4. Any school district employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying to the appropriate school district official as designated in the school district's policy, and who makes the report in compliance with the provisions of the school district's policy is immune from any cause of action for damages arising from failure to remedy the reported incident.

Section 5. Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by a school district for conduct determined to meet the definition of bullying in section 2 of this Act.

Section 6. The model bullying policy pursuant to this Act is as follows:

PROHIBITION OF HARASSMENT, INTIMIDATION, AND BULLYING

The School District is committed to maintaining a constructive, safe school climate that is conducive to student learning and fostering an environment in which all students are treated with respect and dignity.

Persistent bullying can severely inhibit a student's ability to learn and may have lasting negative effects on a student's life. The bullying of students by students, staff, or third parties is strictly

prohibited and will not be tolerated.

Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct directed toward a student that is so pervasive, severe, and objectively offensive that it:

- (1) Has the purpose of creating or resulting in an intimidating, hostile, or offensive academic environment; or
- (2) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance which deprives the student access to educational opportunities.

Any staff member observing or suspecting bullying toward another individual is required to report the issue to his or her building supervisor.

This policy is in effect while students are on property within the jurisdiction of the School Board; while students are in school-owned or school-operated vehicles; and while students are attending or engaged in school-sponsored activities.

The District will act to investigate all complaints (formal or informal, verbal or written) of bullying. A formal complaint may be submitted to the building principal. Any student engaging in an act of bullying is subject to discipline pursuant to the District's student discipline procedure.

This policy may not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions if the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others."

Moved by: Vanneman
Second by: Venner
Action: Prevailed by roll call vote. (7-6-2-0)

Voting Yes: Hunt, Jones, Killer, Tulson, Vanneman, Venner, Brunner

Voting No: Haggar, Lucas, Miller, Perry, Schaefer, Sly

Excused: Elliott, Stricherz

MOTION: DO PASS SB 130 AS AMENDED

Moved by: Tulson
Second by: Hunt
Action: Prevailed by roll call vote. (13-0-2-0)

Voting Yes: Haggar, Hunt, Jones, Killer, Lucas, Miller, Perry, Schaefer, Tulson, Vanneman, Venner, Sly, Brunner

Excused: Elliott, Stricherz

SUMMER STUDY TOPICS

Committee members were in agreement to request two summer studies on the following topics:

Higher Education funding, including the regental institutions and the technical institutes (suggested by Representative Perry)

Student Accountability (suggested by Representative Sly).

Representative Lucas suggested that committee members attend training on common core standards that teachers have to take this summer.

MOTION: ADJOURN

Moved by: Perry
Second by: Hunt
Action: Prevailed by voice vote.

Grace Curtis
Committee Secretary

Thomas J. Brunner, Chair